

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: Walker *et al.*
Application No.: 09/592,618
Filed: June 13, 2000
Title: METHOD AND APPARATUS FOR PROVIDING A BENEFIT
DURING A TRANSACTION FOR USE DURING A LATER
TRANSACTION

Attorney Docket No.: 00-012

Group Art Unit: 3639
Examiner: Igor N. Borissov

**PRE-APPEAL BRIEF REQUEST FOR REVIEW
of the rejections in the Final Office Action mailed November 2, 2006**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

Applicants respectfully request Pre-Appeal Brief Review of the rejections set forth in the Final Office Action mailed November 2, 2006 as Part of Paper No./Mail Date 20061002 (hereinafter the "Final Office Action"). No amendments are being filed with this request and this request is being filed with a Notice of Appeal. Review is requested for the reasons set forth in the remarks beginning on the following page.

REMARKS

I. Introduction

Claims **1-12, 14-28, 30-53, 59-64, and 81-108** are currently pending in the present application. Claims **1, 30, 47, 49, 51-53, 59, 63-64, 81, 85-86, 88-105, and 108** are independent. All claims stand rejected. In particular,

(A) claims **1-4, 6-9, 11-12, 14-25, 28, 30-33, 35-38, 40-44, 46-53, 88-103, and 106-107** stand rejected under 35 U.S.C. §102(e) for allegedly being anticipated by U.S. Patent Publication No. 2002/0049631 (hereinafter “Williams”);

(B) claims **59-64, 81-87, 102-105, and 108** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Williams in view of U.S. Patent No. 6,017,063 (hereinafter “Nilssen”);

(C) claims **5, 10, 34, and 39** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Williams in view of U.S. Patent No. 5,970,470 (hereinafter “Walker”); and

(D) claims **26-27, and 45** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Williams in view of U.S. Patent No. 4,723,212 (hereinafter “Mindrum”).

II. Interview Summary

In the Interview conducted on January 9, 2007 between Supervisory Patent Examiner (SPE) John Hayes and Applicants’ undersigned representative, an agreement was reached that the rejections set forth in the Final Office Action are not proper as applied to the pending claims. In particular, agreement was reached that the Williams reference does not properly anticipate or render obvious limitations of the pending claims, and SPE Hayes agreed that his Office would issue a new action as required to replace the Final Office Action (*e.g.*, either with a new Non-Final Office Action instituting new grounds for rejection over newly-cited references or a Notice of Allowance). These facts are commemorated in the Interview Summary from SPE Hayes that was mailed on January 19, 2007 as Part of Paper No. 20070109 (hereinafter the “Interview Summary”).

III. Conclusion

Accordingly, at least because agreement has been reached that the rejections set forth in the Final Office Action are not proper, it is submitted that all claims are clearly in condition for allowance and Pre-Appeal Brief Review is requested to avoid the unnecessary expense of preparing an Appeal Brief in relation to the current rejections.

If there remain any questions regarding the present application or the cited reference, or if the Examiner or SPE Hayes has any further suggestions for expediting allowance of the present application, the Examiner or SPE Hayes is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at cfincham@walkerdigital.com, at the Examiner's convenience.

IV. Fees and Petition for Extension of Time to Respond

Applicants respectfully note that Applicants' After Final Response was submitted within two (2) months of the mailing of the Final Office Action, and no Advisory Action was mailed prior to the expiration of the six (6) month statutory period. Accordingly, no extension fees pursuant to 37 C.F.R. §1.136(a) are believed to be due.

While no fees are believed to be due at this time, please charge any fees that may be required for this Paper to Deposit Account No. 50-0271. Furthermore, while no extension of time to respond is believed to be necessary, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

May 2, 2007
Date


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR		Application Number	Filed
on <u>May 2, 2007</u>		09/592618	June 13, 2000
Signature <u>Veronika S. Leliever</u>		First Named Inventor	
Typed or printed name <u>Veronika S. Leliever</u>		Jay S. Walker	
		Art Unit	Examiner
		3628	Igor N. Borissov
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Carson C. K. Fincham	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number _____		Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		54,096	
		Telephone number	
		May 2, 2007	
		Date	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

<input checked="" type="checkbox"/>	*Total of <u>2</u> forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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